

**MINUTES**  
**EMPORIA CITY COUNCIL**  
**CITY OF EMPORIA MUNICIPAL BUILDING**  
**January 19, 2010**

*Note to Reader: Although the printed agenda document for this City Council meeting is not part of these minutes, the agenda document provides background information on the items discussed by City Council during the meeting. A copy of the agenda document for this meeting may be obtained by contacting the Office of the City Clerk.*

Emporia City Council held a regular meeting on Tuesday, January 19, 2010, at 7:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. Mayor Samuel W. Adams, III presided over the meeting with Carolyn C. Carey, Council Member offering the invocation.

**ROLL CALL**

The following City Council members were present:

Councilman F. Woodrow Harris  
Councilman James C. Saunders  
Councilwoman Doris T. White  
Councilwoman Carolyn S. Carey  
Councilman Edward V. Lankford, IV  
Councilwoman L. Dale Temple

Others present: Samuel W. Adams, III, Mayor  
Brian S. Thrower, City Manger  
Steve B. Hall, Assistant City Manager  
Lori R. Jarratt, Interim City Clerk  
W. S. Harris, Jr., Treasurer  
Joyce E. Prince, Commissioner of the Revenue  
Don Wyatt, Lieutenant

Absent: Councilman John R. White ~ *illness*

**MINUTES APPROVAL**

Councilwoman Temple moved to approve the minutes from the Tuesday, January 5, 2010 regular meeting, as presented, seconded by Councilwoman Carey, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilman Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

## **APPROVAL OF BILLS**

A listing of the January 19, 2010 bills had been presented to City Council members.

General Fund	\$1,142,951.69
Utility Fund	\$ 188,033.90

Councilman Saunders moved to approve payment of the bills presented. Councilwoman White seconded the motion which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilman Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

## **FINANCIAL AND TAX REPORT**

Honorable W.S. Harris, Jr., City Treasurer provided City Council members with highlights of the City's financial position. There were no questions regarding the report.

## **COMMISSIONER OF THE REVENUE REPORT**

Honorable Joyce E. Prince, Commissioner of the Revenue provided her report to City Council members. There were no questions regarding the report.

## **PERMIT AND INSPECTION REPORT**

Randy C. Pearce, Building/Fire Official provided his report to City Council members. There were no questions regarding the report.

## **POLICE REPORT**

Bernard Richardson, Chief of Police provided his report to City Council members. There were no questions regarding the report.

## **CITY SHERIFF REPORT**

Honorable Sam C. Brown, Sheriff provided is report to City Council members. There were no questions regarding the reports.

## **CITY ATTORNEY REPORT**

C. Butler Barrett, City Attorney, had no matters to report to Council.

## AGENDA APPROVAL

Councilwoman Temple moved to approve the agenda as presented, seconded by Councilwoman White, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilman Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

## NEW BUSINESS

### ***10-8. John Tyler ASAP – Request to Adopt Resolution and Appoint a Board Member***

Mr. Thrower reported that Ms Maureen Earley, John Tyler Alcohol Safety Action Program (ASAP) Executive Director, recently contacted him requesting that City Council adopt a resolution affirming the City’s endorsement of an independent policy board for the John Tyler ASAP in order to adhere to Commission on VASAP policies. He also reported that the resolution affirms the City’s position as a participating locality in the John Tyler ASAP and endorses the continuation of an independent Policy Board.

He stated that Ms. Earley requests that Council appoint a member to the John Tyler ASAP Policy Board in order to adhere to VASAP Commission requirements. He also stated that the term of the appointment is three (3) years. He further stated that individuals with a law enforcement, legal, or alcohol/drug treatment background are typically appointed to this board. He recommended City Council adopt **Resolution No. 10-2** and appoint a member to the John Tyler ASAP Policy Board for a three (3) year term.

Councilman Saunders made a motion to adopt **Resolution No. 10-2**, affirming the City’s Endorsement of an Independent Policy Board for the John Tyler Alcohol Safety Action Program, seconded by Councilwoman Temple which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilman Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

Councilman Saunders made a motion to nominate Captain Todd Anderson, Emporia Police Department to serve a three year term, ending on January 19, 2013, on the John Tyler ASAP Board, seconded by Councilwoman Temple which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Carolyn S. Carey	aye

Councilman Edward V. Lankford, IV            aye  
Councilwoman L. Dale Temple                    aye

**10-9.    *Leaf Collection Service – Request to Extend Into January***

Mr. Thrower reported that as stated in City Code Section 42-7 Collections, (4) *Leaves*, the Public Works Department is authorized to collect leaves via the vacuum truck during the months of October, November and December. He also reported the City Administration has extended this service into the month of January for the past several years. He further reported that he was requesting this code section be amended to state that curbside leaf collection services be extended into the month of January. He recommended Council authorize a public hearing be held on the proposed amendment at the February 16, 2010 regular meeting.

Councilman Harris made a motion to authorize a Public Hearing to be held on February 16, 2010 to extend leaf collection service into January, seconded by Councilman Saunders, which passed as follows:

Councilman F. Woodrow Harris            aye  
Councilman James C. Saunders            aye  
Councilwoman Doris T. White            aye  
Councilwoman Carolyn S. Carey           aye  
Councilman Edward V. Lankford, IV       aye  
Councilwoman L. Dale Temple            aye

**10-10.   *Rural Development Stimulus Funding Opportunity – Request for Police Vehicles***

Mr. Thrower reported that the City and Police Administration met with Peggy Jordan, Area Specialist, of the Courtland USDA Rural Development office on Wednesday, September 30, 2009 to discuss funding opportunities available through the USDA. He also reported that stimulus funding under Rural Development’s Community Programs initiative was discussed. He further reported that the stimulus grant has a \$25,000 federal funding cap and requires a 45% local match. He stated that the local match can be in the form of cash or via a low interest loan through Rural Development. He also stated that the applications requesting loan funding receive a higher ranking during the scoring process.

He stated that Rural Development’s highest priority under the Community Programs initiative is funding equipment used by first responders and those projects requesting stimulus funds. He also stated that in light of these facts, Council previously authorized submittal of a USDA Rural Development grant application for purchase of seven (7) mobile data terminals (laptops) to be used by the Emporia Police Department. He further stated that in researching other Police Department needs, he was recommending submittal of a funding application to offset the cost of purchasing two (2) 4-wheel drive Ford Explorers. He reported that the addition of these vehicles would enable the city to remove two (2) ten year old vehicles from the fleet, as well as, allow for timely service calls during sever weather conditions. He also reported that moreover, these vehicles qualify for stimulus funding due to the fact that they are made in the United States. He further reported that Police cruisers are primarily manufactured in Canada, and thus, do not qualify for stimulus funding. He advised that should the City be awarded funding for the purchase of these vehicles, he did not anticipate budgeting for or purchasing any new cruisers in FY11.

He stated that as previously mentioned, the grant has a \$25,000 federal funding cap and requires at 45% local match. He also stated that, the City would be requesting \$25,000 in stimulus grant funding and \$22,600 in loan funding. He further stated that the \$22,600 in loan funding would satisfy the 45% local match requirement. He recommended City Council authorize the submittal of a USDA Rural Development funding application to purchase two (2) 4-wheel drive Ford Explorers. He stated that the public is encouraged to comment on the proposed funding application.

There was no public comment regarding this item.

Councilman Harris made a motion to approve the submittal of the USDA Rural Development finding application to purchase two 4-wheel drive Ford Explorers, seconded by Councilman Saunders which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilman Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

Councilman Harris inquired if it was anticipated that the grant would be approved in a time frame to purchase the vehicles in the current fiscal year, FY10 or next fiscal year FY11. Mr. Thrower advised that, if approved, the vehicles would be purchased in the current fiscal year, FY10. He also advised that he anticipated grant award within two to three months.

Councilman Harris stated that the intention of the grant would allow the opportunity to not budget the purchase of any additional police vehicles in FY11. Mr. Thrower stated that this was correct.

#### ***10-11. Subdivision and Zoning Ordinance Updates – Request to Amend Code Sections***

Mr. Hall stated that he was recommending updates to the section of the Subdivision and zoning Ordinances due to some outdated and inconsistent provisions contained within the City Code. He also stated that the proposed amendments would provide clarity to ambiguous provisions, address current gaps in regulations and assist in administration and oversight of these specific Articles.

He stated that he prepared revisions to the conditional use procedure as directed by City Council at its December 1, 2009 Regular Meeting. He also stated that the authority to decide conditional use requirements is proposed to rest with City Council.

#### ***Overview of the proposed amendments:***

**Subdivision Ordinance** ~ §66-112 (b) – Lots – add provision requiring any residential subdivision to possess a minimum lot width consistent with the zoning district at the street frontage.

**Zoning Ordinance** ~ §90-1 – Definitions (“group home” to include a nursing home, “conditional use,” “conditional use permit” and remove “special use permit”)

§90-55 – Conditional Uses – new section providing procedure for review and approval of conditional use permit requests (Planning Commission recommendation and City Council approval)

§90-73 (b) – R-3 Residential district uses permitted (group homes by conditional use permit)

§90-76 (b) – C-1 Commercial district uses permitted (nightclubs by conditional use permit)

§90-77 (b) – C-2 Commercial district uses permitted (nightclubs by conditional use permit)

§90-80 (b) and (k) – DT Downtown district uses permitted and architectural compatibility (remove catteries use, city is exempt from compatibility review and allows signage/painting requests to be approved by the Zoning Administrator)

§90-149 – Permitted Signs (removed reference to architectural compatibility review)

§90-224 (d) – Board of Zoning Appeals powers and Duties, special Exceptions (removed section on Special Exceptions)

He stated that the Board of Zoning Appeals will retain the authority to decide variance requests, administrative appeals and interpretation of zoning district boundaries.

He advised that City Council will have/has the authority to decide the following requests: text amendment, zoning map and conditional use.

He stated that on January 12, 2010, the Planning Commission voted 5-0 in favor of recommending the code updates. He recommended Council approve the ordinances updating the aforementioned City Code sections.

Councilman Saunders made a motion to adopt Ordinance *10-2* for §66-112, Ordinance *10-3* for § 90-1, Ordinance *10-4* for § 90-55, Ordinance *10-5* for §90-73, Ordinance *10-6* for §90-76, Ordinance *10-7* for §90-77, Ordinance *10-8* for §90-80, Ordinance *10-9* for §90-149 and Ordinance *10-10* for §90-224, motion seconded by Councilwoman Carey which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilman Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

#### ***10-12. Broadband Phase II – Request for Additional Planning Grant Funding***

Mayor Adams advised Council that Ms. Natalie Slate, Deputy County Administrator, County of Greenville, was present to answer any questions.

Mr. Hall stated that the Virginia Department of Housing and Community Development (DHCD) awarded the City of Emporia and Greenville County with a Planning Grant in the amount of \$25,000 for Phase II of the Broadband project. He also stated that \$2,500 was budgeted by both the City and County as matching funds. He further stated that City Council offered a

resolution of support in March, 2009. He advised that the grant would identify and develop last mile and main network connectivity solutions, determination network architecture conceptual design, cost estimates and an implementation plan for the area.

He stated that the requests for proposals were accepted by the City and County for consultants to perform these services. He also stated that Design Nine and Icon Broadband Technologies (Icon) responded with the proposals. He further stated that the selection committee, consisting of Natalie Slate, Deputy County Administrator, Chris Vaughan, Information Technology Specialist and himself, recommended awarding a contract to Icon of Woodstock, Georgia.

He advised that a potential contract with Icon would be crafted as “not to exceed \$50,000.” He also advised that in this instance, the City and County would both be responsible for an additional \$10,000 each towards the project. He further advised that Ms. Slate is requesting Greensville County Board of Supervisors authorize the project budget. He stated that she is also requesting authorization of contract negotiation no to exceed \$50,000 contingent upon City Council approving the same.

***Project Budget (as presented):***

<b>Expense</b>		
	Consultant	<u>\$50,000</u>
Total		\$50,000

<b>Revenues</b>		
	DHCD Grant	\$25,000
	County	\$12,500
	City	<u>\$12,500</u>
Total		\$50,000

Councilman Saunders made a motion to approve the request for additional planning grant funding for the Broadband Phase II, seconded by Councilwoman Temple, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilman Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

Mr. Saunders inquired if Phase II would identify upgrades that were needed in the City and identify places that the County may need Broadband. Mr. Hall stated that this was correct. He also stated that un-served and under-served areas would be addressed in Phase II as well as an implementation plan to address the un-served and under-served areas.

Mr. Saunders stated if the City moves forward, once Phase II is completed, grant funding would need to be applied for again, that will require additional funding from the City and County.

He also stated that at this point, it would be negotiated based upon what the needs are for the City, if any. Mr. Hall advised that he would anticipate there being more need in the County, unless there are areas in the City that are under-served. He also advised the goal of the study that would identify or be consistent with requirements of the stimulus funding. He further advised that the stimulus funding opens on the 15<sup>th</sup> and is due by March 15, 2010. He stated that when the interviews were conducted, Icon, the selected consultant, indicated that they would assist in the application but was not certain as to who would prepare the application. He also stated that he did believe that additional funds would be tied to the application should they turn to Icon to prepare the application.

Mr. Saunders stated that Phase II study can be done and completed in time to get the application in by the March 15<sup>th</sup> deadline. Mr. Hall stated that during the interview, the consultant indicated the study would be complete within six months.

Ms. Natalie Slate, Deputy County Administrator, County of Greenville, addressed Council stating that she and Judy Bentley of Icon have had several discussions since the announcement of the stimulus funding. She also stated that Phase II has a lot of components that would be used for the application for Broadband with stimulus funding. She further stated that Icon would get what needs to be done for the application done first. She advised that it seemed the stimulus application is requesting generic information and then if you get into due diligence, they would need more information. She also advised that an application can be prepared now with generic numbers for the community, based on surveys that were done in Phase I, the rest of the hard core information could be gathered while they are reviewing the application in hopes they come back for due diligence, then Phase II would be complete.

Mr. Saunders stated that he would like to make sure that the City is given information on a quick basis so that the City will have ample time to study information prior to making any funding decisions. Ms. Slate advised that, she believed, the second round for stimulus funding is 70/30, which the locality or internet provider would provide 30% of the cost, depending on how the application is crafted, and the grant would provide 70%. She also advised the City/County can apply for second round of funding and, if funded, decide how to split the 30%.

Mayor Adams inquired if the Phase II study would provide numbers as to how many units would be served in the City and County. Ms. Slate advised that Phase II would provide a hard budget for implementation, and numbers of individuals that are not served or are under-served that this proposed project can reach.

Mayor Adams inquired if the numbers come back skewed to one locality or the other, will there still be a 50% split. Ms. Slate advised that for the Phase II study, there would be a 50% split but the cost split after Phase II would need to be discussed between the City and County.

Ms. Slate advised that the City does have several access points for internet service, whether it being Broadband or DSL. She also advised that some of the cost points are more expensive and a lot of it is wireless. She further advised that Phase II focuses on a combination of wire versus fiber. She stated that they wanted to focus more on fiber because fiber would hold up longer and has less maintenance and will end up being cheaper.

Councilman Harris stated that the Virginia Rural Center has been discussing last mile connectivity. He stated that the new DHCD correspondence is "middle mile." He also stated that the middle mile makes for a less of concern for local governments as to who the vendors would be

in the private sector that actually deliver the broadband to the consumers' home or business than it is making sure that the infrastructure is there and in place to get the signal to the individuals that are in the position to distribute and make a profit to the public. Ms. Slate stated that she thinks this would have to be addressed in Phase II because you cannot get to the last mile point without the middle mile infrastructure. She also stated that a lot of the funding for the first round of the stimulus grant went to private companies. She further stated that this funding would steer more toward wanting to help those companies but having more of an open access. She advised that if you build the middle mile, then leave up to the providers to finish and get to individual houses or individual businesses. She also advised that localities as rural and the City and County, don't have a lot of the middle mile before we can get to the last mile which may work in their favor.

## **PUBLIC COMMENT**

Mayor Adams asked if anyone wished to bring a matter before city council members adhering to the three minute time limitation.

*Jesse O'Nery of 1912 Sunnyside Road*, addressed council stating that he had concerns regarding the wastewater from Brunswick County being dumped in his area. He also stated that he had been told that the water has been tested and would like to request copies of the test. He further stated that the waste field in Brunswick County receives medical waste from across the country. He advised that Brunswick County has a landfill and should have an applicable solution to restore their own water and not bring to the City of Emporia. He also advised that he was aware that Brunswick was paying the City to dump the water in the City.

*Ms. Debra Brown of 604 Temple Avenue*, addressed council stating that she had concerns while viewing the Government Access Channel that nothing was mentioned regarding the birthday of Martin Luther King, Jr. She further stated that since the inception of the channel, there has been something on channel as to why the City offices were closed. She advised that the advertisement of Black History month on the Channel should be standard each year.

Mayor Adams stated that in regards to Mr. O'Nery's comments, water was not being dumped into the streets but is being unloaded into a manhole cover which goes directly to the Wastewater Treatment Facility.

*Alton Bryant of Reese Street*, addressed Council stating that the water that is being dumped in his area smells like sewage and the odor is coming into his house.

### **\*\*\*Closed Session\*\*\***

Councilman Lankford move that Closed Session be entered for the purpose of discussing Virginia Code §2.2-3711(A) (7) **Legal Matters pertaining to probable litigation and (A) (29) Discussion of consulting contracts where discussion in open session would adversely effect negotiating strategy.** Councilman Saunders seconded the motion, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilman Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

**\*\*\*Regular Session\*\*\***

Councilman Harris moved that the meeting be returned to Regular Session. Councilwoman White seconded the motion, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilman Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

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Councilman Saunders made a motion to approve the economic development study consulting contracts with Jerry Gwaltney and Springstead, Inc., as written, contingent upon the costs being split equally between the City and Greensville County; the motion was seconded by Councilwoman Harris.

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilman Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

**CERTIFICATION**

Councilman Saunders moved to certify the following:

1. only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Session to which this certification applies, and
2. only such public business matter as were identified in the motion by which the Closed Session was convened were heard, discussed, or considered by City Council.

Councilman Lankford seconded the motion, which passed as follows:

Councilman F. Woodrow Harris	aye
Councilman James C. Saunders	aye
Councilwoman Doris T. White	aye
Councilwoman Carolyn S. Carey	aye
Councilman Edward V. Lankford, IV	aye
Councilwoman L. Dale Temple	aye

**ADJOURNMENT**

With no further business to come before City Council, Mayor Adams adjourned the meeting.

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Samuel W. Adams, III, Mayor

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Lori R. Jarratt, Interim City Clerk